

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Continuation Patent Application Of:  
Kenneth Kiron and Kevin S. Bander

Mailed: April 23, 2001

For: Open End Mutual Fund Securitization Process)

) Prior Application:  
) Application No. 09/579,801  
) Filed: May 26, 2000  
) Art Unit: 2761  
) Examiner: Not Assigned  
) Present Application:  
) Examiner: Not Assigned  
) Art Unit: Not Assigned

Box Patent Application  
Fee  
Commissioner For Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Dear Sir:

The above-identified Application is a continuation of co-pending prior U.S. Application No. 09/579,801, which is a continuation of U.S. Application No. 09/140,868 filed August 27, 1998, now U.S. Patent No. 6,088,685, which is a continuation of U.S. Application No. 08/542,431 filed October 12, 1995 now U.S. Patent No. 5,806,048. Before examination, please amend the instant Application as follows:

**In the Specification:**

On page 1, line 5 (of the Substitute Specification), please insert

-- This Application is a continuation of co-pending U.S. Application No. 09/579,801 filed May 26, 2000, which is a continuation of U.S. Application No. 09/140,868 filed August 27, 1998, now U.S. Patent No. 6,088,685, which is a continuation of U.S. Application No. 08/542,431 filed October 12, 1995 now U.S. Patent No. 5,806,048.--

**In the Claims:**

Please cancel Claims 75-89 without prejudice.

Please replace claim 53 with the following corresponding amended claim:

53. (Amended) A method comprising the steps of:

separating a group of mutual fund shares into a subgroup that satisfies an investment objective;

creating an exchange traded fund having a number of outstanding shares and having a portfolio comprising of the mutual fund shares within the subgroup;

trading the outstanding shares of the exchange traded fund on an exchange at a real time determined price related to the mutual fund shares comprising the subgroup; and  
outputting an indication of the real time determined price in a humanly readable format.

Please add the following claims:

- 90. The method of claim 53 wherein the investment objective includes aggressive growth.
91. The method of claim 53 wherein the investment objective includes growth and income.
92. The method of claim 53 wherein the investment objective includes growth.
93. The method of claim 53 wherein the investment objective includes income.
94. The method of claim 53 wherein the investment objective includes investing within a sector.
95. The method of claim 53 wherein the investment objective includes equity.
96. The method of claim 53 wherein the investment objective is small companies.
97. The method of claim 53 wherein the investment objective is government bonds.
98. The method of claim 53 wherein the investment objective is bonds.
99. The method of claim 53 further comprising the step of listing the outstanding shares on an exchange.
100. The method of claim 53 further comprising the step of listing on an exchange a derivative having a price related to the real time determined price.
101. The method of claim 53 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
102. The method of claim 53 further comprising the step of electronically trading the outstanding shares.
103. A method comprising the steps of:  
listing outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares that satisfy an investment objective, the mutual fund shares within the portfolio being weighted;  
trading the outstanding shares of the exchange traded fund on an exchange at a price related to the price of the mutual fund shares within the portfolio; and  
displaying in real time the price that the outstanding shares were traded on the exchange.

104. The method of claim 102 further comprising the step of listing a derivative having a price related to the price of the outstanding shares.
105. The method of claim 102 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
106. The method of claim 102 further comprising the step of electronically trading the outstanding shares.
107. The method of claim 102 wherein the investment objective includes aggressive growth.
108. The method of claim 102 wherein the investment objective includes growth and income.
109. The method of claim 102 wherein the investment objective includes growth.
110. The method of claim 102 wherein the investment objective includes income.
111. The method of claim 102 wherein the investment objective includes investing within a sector.
112. The method of claim 102 wherein the investment objective includes equity.
113. The method of claim 102 wherein the investment objective is small companies.
114. The method of claim 102 wherein the investment objective includes government bonds.
115. The method of claim 102 wherein the investment objective includes bonds.
116. A fund comprising:
  - a portfolio comprising of mutual fund shares, the mutual fund shares within the portfolio being weighted and the portfolio being changeable to maintain an investment objective;
  - a plurality of outstanding shares of the fund listed and tradable on an exchange at a price related to the price of the mutual fund shares within the portfolio; and
  - an electronic system that displays in real time the price that the outstanding shares were traded on the exchange.
117. The fund of claim 115 wherein the investment objective includes aggressive growth.
118. The fund of claim 115 wherein the investment objective includes growth and income.
119. The fund of claim 115 wherein the investment objective includes growth.
120. The fund of claim 115 wherein the investment objective includes income.
121. The fund of claim 115 wherein the investment objective includes investing in mutual funds that invest within a substantially similar industry.

122. The fund of claim 115 wherein the investment objective includes equity.

123. The fund of claim 115 wherein the investment objective is small companies.

124. The fund of claim 115 wherein the investment objective is bonds.

125. The fund of claim 115 wherein the investment objective is government bonds.

126. A method comprising the steps of:

buying outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares, the mutual fund shares within the portfolio being weighted and the portfolio being changeable to maintain an investment objective;

selling the outstanding shares of the exchange traded fund on an exchange at a price related to the price of the mutual funds shares within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.

127. The method of claim 125 wherein the investment objective includes aggressive growth.

128. The method of claim 125 wherein the investment objective includes growth and income.

129. The method of claim 125 wherein the investment objective includes growth.

130. The method of claim 125 wherein the investment objective includes income.

131. The method of claim 125 wherein the investment objective includes investing in mutual funds that invest within a substantially similar industry.

132. The method of claim 125 wherein the investment objective includes equity.

133. The method of claim 125 wherein the investment objective is small companies.

134. The method of claim 125 wherein the investment objective is government bonds.

135. The method of claim 125 wherein the investment objective is bonds.

136. A method comprising the steps of:

listing on an exchange outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares, the portfolio being changeable to maintain an investment objective;

providing an exchange for trading outstanding shares of the exchange traded fund at a price related to the price of the mutual fund shares within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.

137. The method of claim 135 wherein the investment objective includes aggressive growth.

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138. The method of claim 135 wherein the investment objective includes growth and income.
139. The method of claim 135 wherein the investment objective includes growth.
140. The method of claim 135 wherein the investment objective includes income.
141. The method of claim 135 wherein the investment objective includes investing in securities within a substantially similar industry.
142. The method of claim 135 wherein the investment objective includes equity.
143. The method of claim 135 wherein the investment objective is small companies.
144. The method of claim 135 wherein the investment objective is bonds.
145. The method of claim 135 wherein the investment objective is government bonds.
146. A method comprising the steps of:
- listing outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares registered within a country, the mutual fund shares within the portfolio being weighted and the portfolio being changeable to maintain an investment objective;
- providing an exchange for trading the outstanding shares at a price related to the price of the mutual fund shares within the portfolio; and
- displaying in real time the price that the outstanding shares were traded on the exchange.
147. The method of claim 145 further comprising the step of listing a derivative having a price related to the price of the outstanding shares.
148. The method of claim 145 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
149. The method of claim 145 further comprising the step of electronically trading the outstanding shares.--

#### REMARKS

This Preliminary Amendment is being submitted in connection with a continuation Application. Independent Claim 53 has been retained for purposes of this filing. Claims 90-149 have been added. No new matter has been added by the above amendments.

Applicants enclose with this Preliminary Amendment a fee calculations sheet along with a check for the amount due. The Commissioner is hereby authorized to charge payment of any

Attorney Docket No. 3001 P 015

Title: "Open End Mutual Fund Securitization Process"

Inventors: Kenneth Kiron and Kevin S. Bander

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deficiency in these fees to Deposit Account No. 23-0280. A duplicate copy of this sheet is enclosed for that purpose.

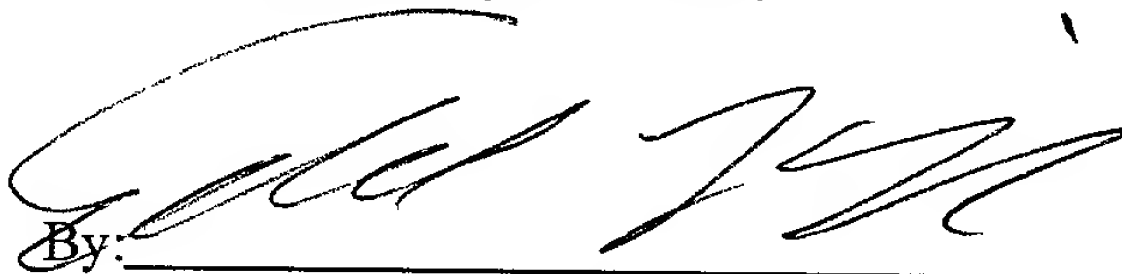
In accordance with 37 C.F.R. 1.121, Applicants attach hereto one (1) sheet containing those mark-ups corresponding to the claim 53 amendments.

It is submitted that the currently pending claims are in condition for allowance. Should the Examiner have any issues or concerns, the undersigned respectfully requests a telephonic or personal interview.

Respectfully submitted,

Dated:

4/23/01

  
By: \_\_\_\_\_

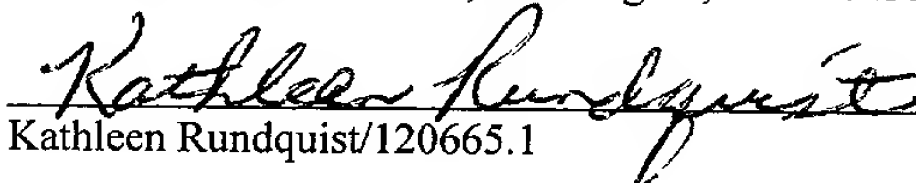
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**CERTIFICATION UNDER 37 C.F.R. § 1.10**

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Date of Deposit: April 23, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: BOX Patent Application, Fee, Commissioner for Patents, Washington, D.C. 20231.

  
Kathleen Rundquist/120665.1

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**ATTACHMENT A**

53. (Amended) A method comprising the steps of:

[identifying a group of securities];

separating [the] a group of mutual fund shares into a subgroup that satisfies an investment objective [securities into a sector comprising a subset of the group of securities within a substantially similar industry];

creating an [open end] exchange traded fund having a number of outstanding shares and having a portfolio comprising of the mutual fund shares [securities] within the subgroup [sector;

changing the securities comprising the sector;

changing the securities comprising the fund in response to the changing of the securities comprising the sector;]

trading the outstanding shares of the exchange traded fund on an exchange at a real time determined price related to the mutual fund shares comprising the subgroup [securities comprising the sector]; and

outputting an indication of the real time determined price in a humanly readable format.

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